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PREF, ELAB, KV

SUBJECT: NINTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPORT FOR KOSOVO
PART 3 OF 3

REF: STATE 132759

¶66. (SBU) UNMIK Regulation 2001/4 protects trafficking victims from being charged with prostitution or illegal entry, as well as from being deported. It also provides for review of requests for refugee status and for approval of residency permits, if appropriate. Victims who do not wish to accept assistance are released, but they may be subject to re-arrest and deportation if they work as prostitutes.

Question 26B: Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

¶67. (SBU) There are three designated VOT shelters in Kosovo: Hope and Homes for Children (HAH), the Center for the Protection of Victims and Prevention of Trafficking in Human Beings (PVPT), and the Interim Security Facility (ISF). HAH and PVPT are run by independent NGOs, but they both receive significant government funding. HAH receives 100% from the GOK, and 20% of PVPT's funding comes from the government. The ISF is a government operated shelter for high-risk VOT. All trafficking victims are accorded shelter and access to legal, medical, and psychological services. Foreign victims receive the same care as domestic trafficking victims. Most medical and psychological services are provided through the shelters. The IOM reports that in isolated cases, VOT with specific medical conditions have not received all the treatment needed due to

a lack of funds.

¶68. (SBU) HAH and PVPT provide the same services as the ISF, but they do not provide the same high level of security. Hope and Homes operates one shelter while the PVPT operates one shelter and a separate rehabilitation center focusing on long-term treatment designed to reintegrate VOT into ordinary life. Domestic violence shelters on occasion also accept trafficking victims in cases of emergency.

¶69. (SBU) The only government-run facility dedicated to trafficking victims is the ISF, operated by the Ministry of Justice's (MOJ). It is funded by the Kosovo Consolidated Budget and supervised by Ministry of Justice Victims Assistance and Advocacy Division (VAAD) staff. It provides temporary shelter, medical care, clothing, counseling, educational assistance, recreational activities, and other services to victims while they consider whether to be repatriated or wait to testify against traffickers in criminal proceedings. The average stay in the ISF is three weeks to one month and only the highest risk victims would normally stay longer; however, there are no limitations on how long victims may remain at any of the shelters. The MOJ reported that it spent 50,556 Euro (\$64,786) on the ISF in 2008. Between April 2008 and January 2009, 15 victims (including five foreigners) stayed at the ISF facility.

¶70. (SBU) Child VOT are treated in accordance with the SOPs described in paragraphs 63-65 and can take refuge at the HAH shelter, which is intended solely for children and does not accept adults. Foster care is an option for long-term care for child VOT. The two other shelters, PVPT and the ISF, specialize in protecting adults. Although PVPT and the ISF are theoretically open to both

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men and women, in practice neither accepts men. The victim of organ trafficking was not accepted at either shelter and remained at Pristina University Hospital until he was repatriated.

¶71. (SBU) During the reporting period, Hopes and Homes (the shelter exclusively for children) did not assist any VOT. PVPT assisted eight victims; the ISF assisted 15 for a total of 23 VOT. In March the ICMPD provided a computer and database to permit more accurate tracking of VOT using the shelters. The GOK is still incorporating this project into its anti-TIP efforts.

Question 26C: Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

¶72. (SBU) Through HAH, PVPT, and the ISF, the GOK provides VOT with access to legal, medical, and psychological services. All three shelters provide refuge, medical care, counseling, educational assistance, recreational activities, and other services to victims. The GOK provides 24-hour protection to victims and allows them to give anonymous testimony if they decide to become witnesses in cases against their traffickers. KPS officers perform risk assessments of all trafficking victims. They refer the high-risk victims to the Ministry of Justice-run Interim Security Facility (ISF), a high security shelter that offers 24-hour protection. They refer the low- and medium-risk victims to HAH or PVPT, which allow more freedom of movement and are generally more conducive to longer stays and reintegration.

¶73. (SBU) The GOK, in cooperation with international donors, provides funding for all three VOT shelters. Currently, the GOK funds 100% of HAH at a cost of 102,000 Euro (\$133,801) and 20% of PVPT's budget, at a cost of 18,900 Euro (\$24,792) per year. The GOK also funds the ISF at an annual cost of 50,556 Euro (\$64,786). (Note: Due to lack of funding the PVPT was forced to cease operations from December 2007 until August 2008, and HAH was forced

to close one shelter for the same reason. The GOK provided the vital funding to ensure their continued viability in 2008, and in the case of the PVPT, to expand its operations through the opening on its new rehabilitation center. End Note.)

Question 26D: Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

¶74. (SBU) The GOK assists foreign VOT with the same care that domestic victims receive. UNMIK Regulation 2001/4 protects trafficking victims from being charged with prostitution or illegal entry, as well as from being deported. It also provides for review of requests for refugee status and for approval of residency permits, if appropriate. Victims who do not wish to accept assistance are released, but they may be subject to re-arrest and deportation if they work as prostitutes.

Question 26E: Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

¶75. (SBU) The GOK provides rehabilitation services in cooperation with international organizations and NGOs, but these are limited and are offered through the shelters. There is no time limit to how long VOT may remain at the shelters, and all shelters provide access

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to legal, medical, and psychological services, educational assistance, recreational activities, and other services. Only the PVPT provides long-term reintegration care through its Rehabilitation Center. In 2006, the International Labor Organization (ILO) project initiated to map services available to VOT and published their results. The ILO reports that despite the existence of this reference, social workers are not always aware of resources that are available to victims.

¶76. (SBU) Minors may be sent to HAH or the ISF depending on their risk level. Local Centers for Social Work (CSW) handle the minors' cases, and report directly to the Ministry of Labor and Social Welfare (MLSW). A foster care option exists, but UNICEF is concerned that insufficient opportunities exist for girls who do not want to return to their families. They said some return to dysfunctional families that contributed to their initial trafficking, thus increasing their potential for re-victimization.

Question 26F: Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

¶77. (SBU) Law enforcement officers in Kosovo receive training on identifying possible victims of trafficking. As soon as they encounter a possible victim of trafficking, they follow Kosovo's Standard Operating Procedures (SOPs), which were designed with the help of UNMIK, international organizations, and NGOs in 2006. The GOK further updated the procedures in October 2008. See paragraphs 63-65 for more details.

Question 26G: What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

¶78. (SBU) From April 1, 2008 through January 15, 2009, the KPS assisted 24 victims, and the IOM assisted nine. (See paragraph 71 for a more detailed discussion of the numbers.) The CSW assisted eight victims in 2008, and another in January 2009. As discussed earlier, there is no single database to track all VOT or determine how many took refuge in shelters. During the reporting period, the ISF (a GOK funded shelter) sheltered 15 VOT, and PVPT (partially funded by the GOK) provided shelter for eight VOT. HAH, a GOK funded shelter solely for children, did not shelter any VOT during

the reporting period. It is not clear how many of the 23 VOT the ISF and PVPT sheltered were initially identified by the KPS or IOM.

Question 26H: Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

¶79. (SBU) Law enforcement officers, immigration, and social services personnel in Kosovo receive training on identifying possible victims of trafficking. As soon as they encounter a possible victim of trafficking, they follow Kosovo's Standard Operating Procedures (SOPs), which were designed with the help of UNMIK, international organizations, and NGOs in 2006. The GOK further updated the procedures in October 2008. (See paragraphs 63-65 for more details.)

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¶80. (SBU) Kosovo does not have legalized prostitution.

Question 26I: Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

¶81. (SBU) According to IOM and others involved in counter-trafficking work in Kosovo, victims' rights are generally respected. Problems have been reported in the past where VOT were jailed or deported, but allegations of such treatment did not resurface during the reporting period. Deportations of foreign VOT may occur when victims arrested for prostitution vehemently deny being victims. The KPS report that in such cases they have little choice but to deport the individuals in the absence of evidence of trafficking.

¶82. (SBU) Other problems in previous years included victims who wished to remain anonymous coming into contact with their traffickers in courts due to lax security procedures. There were no examples of this occurring in 2008. Private interview rooms for victims now exist at police stations in Ferizaj/Urosevac, Gjilan/Gnjilane, Mitrovice/Mitrovica, Peje/Pec, Pristina, and Prizren, where victims can make their statement in a more secure environment.

Question 26J: Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

¶83. (SBU) Victims are encouraged to assist in the investigation and prosecution of traffickers, but are not pressured to do so. Victims' advocates are with them from identification through reintegration and explain their rights every step of the way. Between April 2008 and January 2009, two victims assisted in the investigation and prosecution of their traffickers.

¶84. (SBU) In addition to testifying against their traffickers, victims may file civil suits or seek legal action against their traffickers. Victims, as injured parties, may seek damages in criminal trials and may pursue their claims in civil litigation. Under Kosovo law, if the court orders confiscation of material benefit in a criminal case, injured parties may be entitled to seek compensation from the confiscated property. According to the IOM, no one impeded victims' rights to such legal redress during the reporting period. Victims who are material witnesses in court cases

against former employers are permitted to obtain other employment, but may not leave Kosovo.

185. (SBU) The VAAD reports that a VOT restitution program exists, but has never been used. The Asset Forfeiture Law, which is designed to seize the assets of traffickers for the benefit of VOT, is still in the drafting phase and has not yet been submitted to the Assembly, Kosovo's legislative body.

Question 26K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by

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the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

186. (SBU) The GOK trains government officials and anti-trafficking partners on recognizing trafficking and providing assistance to victims, including minors, mostly in cooperation with its anti-trafficking partners in the NGO and international organization communities. During the reporting period, the KPS Training Department officers provided specialized and Balkans-specific training to recruits at the Kosovo Center for Public Safety, Education, and Development. Additionally, KPS Training Department officers provided basic TIP training to 56 police recruits and officers. The KPS also provided training for an additional 13 Training of Trainers (TOT) during 2008. Further TIP training was provided by international organizations like the UNDP, the IOM, the Kosovo Judicial Council, as well as by neighboring and other countries.

187. (SBU) Kosovo declared independence on February 17, and is still in the process of establishing embassies and consulates. None of Kosovo's embassies or consulates provided protection or assistance to victims of trafficking during the reporting period.

Question 26L: Does the government provide assistance, such as medical aid, shelter, or financial help to its nationals who are repatriated as victims of trafficking?

188. (SBU) The VAAD reports that the GOK does provide assistance to repatriated Kosovo citizens who are trafficking victims. If they are placed in a shelter, they receive the same services available to victims identified in Kosovo. IOM reports that there is, however, no other support for victims once they leave the shelter. In the case of minors, social workers are involved with family mediation and school re-insertion and may point victims in the direction of other assistance.

Question 26M: Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

189. (SBU) While many international organizations and NGOs work on the trafficking issue, IOM is the only one working directly with victims. Hope and Homes for Children and PVPT were originally international NGOs, but have since spun off and become local NGOs.

190. (SBU) For foreign victims, IOM provides case screening and management, psychosocial counseling inside shelters or referrals for outside psychiatric and psychological assistance, medical assistance, in-depth needs assessments, travel arrangements, travel documents for victims whose passports have been confiscated by traffickers, travel supplies and reinstallation grants, organization of safe transportation to departure points (in cooperation with KPS and based on medical and security concerns), coordination with receiving IOM mission, and offers escorts for minors and medical cases when necessary.

¶91. (SBU) For local victims, the IOM provides, in cooperation with local NGOs, short and medium-term sheltering in preparation for family reunification or independent living, family mediation (in cooperation with social workers when victims are minors), psychological counseling and psychiatric assistance, material support for victims and/or families, access to education, education-related expenses, vocational training, job placement, awareness-raising, facilitation of relocation out of Kosovo for witnesses and their families, and monitoring and follow-up.

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¶92. (SBU) IOM, HAH, and PVPT report good cooperation with the government.

Question 27A: Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

¶93. (SBU) Most anti-trafficking campaigns were run by international organizations and NGOs with the GOK's support and under the auspices of the KAP. The National Anti-Trafficking Coordinator (NATC) said Kosovo focused mostly on potential trafficking victims but used commercials to warn would-be traffickers of the possible consequences of their actions.

¶94. (SBU) The MOIA held four TIP discussion sessions with students at the University of Pristina. The Ministry of Education, Science and Technology conducted two anti-TIP training sessions at schools in Kacanik, including the distribution of anti-TIP materials, and an anti-TIP class given by certified trainers. The Ministry of Culture held 14 anti-TIP workshops for young children and adolescents.

¶95. (SBU) International organizations and NGOs supported the GOK's efforts throughout the year with their own educational campaigns. The best example is the OSCE-sponsored "Rock to Break the Silence - Report Trafficking" campaign. An intensive 16 day long campaign organized with the support of the GOK, it was designed to increase awareness of TIP and inform vulnerable populations of their options as well as how to protect themselves. The campaign consisted of advertisements on television, radio, billboards, posters, leaflets, press conferences, and ended with a rock concert attended by 4,000 people.

Question 27B: Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

¶96. (SBU) KPS and Border Police monitor immigration patterns for evidence of trafficking. Foreigners staying in Kosovo more than 90 days are required to register with the Directorate for Foreigners and Migration Office unless they are employees of KFOR, international organizations or foreign diplomatic missions.

¶97. (SBU) The KPS and Border Police officers also report that they routinely look for potential victims of trafficking entering Kosovo's border and the Pristina Airport. When they suspect a woman or girl may be a victim or potential victim of trafficking, they separate her from others with whom she is traveling in order to question her, warn her of the risks of trafficking and give her information on what to do if she becomes a victim of trafficking. The Border Police cooperate closely with KPS.

¶98. (SBU) The Border Police monitor emigration patterns to try to understand possible criminal networks trafficking women and girls from Kosovo to other European countries.

Question 27C: Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

¶99. (SBU) The Inter-Ministerial Working Group coordinates and communicates between the various agencies of the GOK. Meeting once a month, the Group is chaired by the NATC and is composed of members of the Ministry of Labor and Social Welfare (MLSW), Ministry of Health, Ministry of Economics and Finance, Ministry of Justice, CSW,

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VAAD, International Criminal Investigative Training Assistance Program (ICITAP), Organization for Security and Cooperation in Europe (OSCE), IOM, HAH, and PVPT. There are also four other working groups to tackle prevention, protection, prosecution, and trafficking in children. VAAD also reported the operation of the Direct Assistance Group, which meets on an as-needed basis. Consisting of the MLSW, VAAD, OSCE, PVPT, and HAH, they meet only to discuss difficult cases.

Question 27D: Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

¶100. (SBU) The National Strategy and Action Plan Against Trafficking in Human Beings (abbreviated Kosovo Action Plan, or KAP) was adopted in July and widely disseminated. All relevant ministries, international organizations, NGOs and civil society representatives participated in the process. Implementation of the KAP is ongoing and responsibilities have been delegated to the various ministries.

¶101. (SBU) The NATC holds monthly meetings with the Inter-Ministerial Working Group to review the implementation of the KAP and discuss areas needing more effort. In December, the MOIA held a conference to assess the overall implementation of the KAP accomplished in 2008, and identify the challenges remaining in the KAP's implementation. The MOIA also published a follow-on report detailing their successes and failures.

Question 27E: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts? (see ref B, para. 9(3) for examples)

¶102. In 2008, the Kosovo Police Service (KPS) arrested nine people for prostitution and thirteen for facilitating prostitution. They also conducted 694 searches of premises for various reasons, 71 of which were closed as a result. The IOM noted that the GOK had provided school and community based training to teach possible victims and clients of the dangers.

¶103. (SBU) The NATC continues to send a memorandum to the Ministry of Internal Affairs on bars suspected of trafficking in persons, prostitution and other criminal activities and recommends that these bars be placed off limits for officials working in GOK institutions.

Question 27F: Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

¶104. (SBU) Tourism -- both incoming and outgoing -- in Kosovo is very limited. There is no evidence that Kosovo nationals engage in sex tourism, and Kosovo passports are only valid in a limited number of countries.

Question 28: HEROES: The introduction to the past four TIP Reports has included a section honoring Anti-Trafficking "Heroes" These individuals or representatives of organizations demonstrate an exceptional commitment to fighting TIP above and beyond the scope of their assigned work. The Department encourages post to nominate one or more such individuals for inclusion in a similar section of the 2009 Report. Please submit, under a subheading of "TIP Hero(es)," a brief description of the individual or organization's work, and note that the appropriate individual(s) has been vetted through databases available to post (e.g. CLASS and any law enforcement systems) to

ensure they have no visa ineligibilities or other

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derogatory information.

¶105. (SBU) Embassy Pristina nominates the new National Anti-Trafficking Coordinator, Fatmir Xhelili, as Kosovo's anti-trafficking Hero. During his tenure, Xhelili has refocused the energies of the GOK. Thanks to his efforts, the GOK published, and began implementing, its first National Strategy and its second Action Plan Against Trafficking in Human Beings. Xhelili regularized the TIP Inter-Ministerial Working Group meetings on a monthly basis and ensured that the anti-trafficking helpline was properly staffed and trained. He supported the efforts of four working groups to tackle prevention, protection, prosecution, and trafficking in children, and he participated in an International Center for Migration Policy Development (ICMPD) conference discussing Transnational Referral Mechanisms (TRM) and promoting regional cooperation in Southeastern Europe in Vienna, Austria in November 2008. In December Xhelili organized an anti-TIP conference to review the implementation of the Kosovo Action Plan and to publicize the issue for Kosovo's population. Media attended and reported on the event, and a follow-on progress report noted the goals achieved and identified remaining challenges. Xhelili's commitment and concrete actions have made a significant impact on the GOK's efforts to combat TIP and will bear lasting results.

¶106. (SBU) Fatmir Xhelili was vetted through databases available to post and State Department on September 4, 2008 to ensure he has no visa ineligibilities or other derogatory information.

Question 29: BEST PRACTICES. For the past five years the Report has carried a section on "Best Practices" in addressing TIP. This section highlights particular practices used by governments or NGOs in addressing the various challenges of TIP and serves as a useful guide to foreign governments and posts as they design anti-TIP projects and strategies. The Department encourages post to nominate "best practices" from their host countries for showcasing in the 2009 Report. Please submit, under a "Best Practice" subheading, a brief summary of the activity or practice, along with the positive effect it has had in addressing TIP.

¶107. (SBU) Embassy Pristina considers the GOK's Inter-Ministerial Working Group on trafficking issues to be one of the GOK's best practices. During the reporting period, the Group has been an effective body in coordinating anti-TIP efforts between the various agencies of the GOK. Meeting once a month, the NATC chairs the Group, and representatives from the Ministry of Labor and Social Welfare (MLSW), Ministry of Health, Ministry of Economics and Finance, Ministry of Justice, CSW, VAAD, International Criminal Investigative Training Assistance Program (ICITAP), Organization for Security and Cooperation in Europe (OSCE), IOM, HAH, and PVPT attend meetings and coordinate their anti-TIP activities. Since becoming the NATC, Fatmir Xhelili has used the Inter-Ministerial Working Group as his primary instrument for developing and implementing anti-trafficking policy. With its help, he published the National Strategy and Kosovo Action Plan, held the December anti-TIP conference to review the implementation of the Kosovo Action Plan and to identify remaining challenges, and coordinated effective anti-TIP action by all parts of the GOK.

¶108. (U) Embassy POC is Liam O'Flanagan. Telephone: 00(381)-38-5959-3110. Email: O'FlanaganLJ@state.gov .

¶108. (SBU) Hours spent per officer on TIP report:
DCM: 1 hour.
Pol/Econ Section Head: 5 hours
Political Officer: 45 hours
FSN: 5 hours.

Kosovo 2009 TIP Report Submission Final - Part 3 of 3.

KAIDANOW